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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 KESHAV BHATTARAI; SAJJAN PANDEY,
24 SUMNIMA THAPA; DONALDO POSADAS
CACERES; SORAYDA RODRIGUEZ
MOTIÑO; DENIS MOLINA CHAVEZ; S.S.,
individually and on behalf of others similarly
situated; and G.D.P., individually and on
behalf of others similarly situated,

25 Case No. 3:19-cv-00731-JST

26 **PLAINTIFFS' NOTICE OF PENDENCY OF
27 OTHER ACTION OR PROCEEDING**

28 Plaintiffs,

v.

KIRSTJEN NIELSEN, in her official capacity
as Secretary of Homeland Security; ELAINE
C. DUKE, in her official capacity as Deputy
Secretary of Homeland Security; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; and UNITED STATES OF
AMERICA.

Defendants.

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25 **pro hac vice application forthcoming*

1 **Notice of Pendency Of Other Action Or Proceeding**

2 Under Civil L.R. 3-13(a), whenever a party knows or learns that an action filed in the
 3 Northern District of California involves “all or a material part of the same subject matter and all or
 4 substantially all of the same parties” as another action that is pending in any other federal court,
 5 the party must file and serve a “notice of pendency of other action or proceeding.” Plaintiffs are
 6 currently aware of one lawsuit pending in this District and four lawsuits pending in federal courts
 7 outside of this District challenging the process by which the Department of Homeland Security
 8 terminated Temporary Protected Status (“TPS”), 8 U.S.C. § 1254a, for TPS-designated countries:

9 (1) *Ramos et al., v. Nielsen et al.*, No. 3:18-cv-1554, filed on March 12, 2018 in this
 10 district by TPS holders from El Salvador, Haiti, Nicaragua, and Sudan, and U.S. citizen-children
 11 of TPS holders from El Salvador and Haiti. The complaint alleges that defendants violated the
 12 equal protection guarantee of the Fifth Amendment, by discriminating on the basis of race,
 13 ethnicity, and national origin, and the Due Process Clause of the Fifth Amendment with respect to
 14 TPS decisions for El Salvador, Haiti, Nicaragua, and Sudan. The complaint also alleges that
 15 defendants violated the APA when terminating TPS for those countries.

16 (2) *NAACP v. U.S. Dep’t of Homeland Sec. et al.*, No. 18-cv-00239-MJG, filed January 24,
 17 2018 in the U.S. District Court for the District of Maryland, by plaintiff National Association for
 18 the Advancement of Colored People (“NAACP”). The complaint alleges that defendants violated
 19 the equal protection guarantee of the Fifth Amendment by discriminating on the basis of race,
 20 ethnicity, and national origin with respect to termination of TPS for Haiti.

21 (3) *Centro Presente et al. v. Donald Trump et al.*, No. 18-cv-10340, filed on February 22,
 22 2018, in the U.S. District Court for the District of Massachusetts, by plaintiffs Centro Presente and
 23 TPS holders from El Salvador, Haiti, and Honduras. The complaint alleges that defendants
 24 violated the equal protection guarantee of the Fifth Amendment, by discriminating on the basis of
 25 race, ethnicity, and national origin, and the Due Process Clause of the Fifth Amendment with
 26 respect to TPS decisions for El Salvador, Haiti and Honduras. The complaint also alleges that

1 defendants violated the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–706, when
 2 terminating TPS for those countries.

3 (4) *Saget et al. v. Trump et al.*, No. 1:18-cv-01599-WFK-ST, filed on May 31, 2018 in the
 4 U.S. District Court for the Eastern District of New York, by the Haitian newspaper Haïti Liberté,
 5 the Family Action Network Movement, Inc., and TPS holders from Haiti. The complaint alleges
 6 that defendants violated the equal protection guarantee of the Fifth Amendment, by discriminating
 7 on the basis of race, ethnicity, and national origin, and the Due Process Clause of the Fifth
 8 Amendment with respect to the TPS decision for Haiti. The complaint also alleges that defendants
 9 violated the APA, the Regulatory Flexibility Act, 5 US.C. §§ 601 et seq., and the Immigration and
 10 Nationality Act (“INA”), 8 U.S.C. § 1254a(b)(1)(A-C).

11 (5) *Casa de Maryland, Inc. v. Trump et al.*, No. 8:18-cv-00845-GJH, filed on March 23,
 12 2018 in the U.S. District Court for the District of Maryland, by Casa de Maryland and TPS holders
 13 from El Salvador. The complaint alleges that defendants violated the equal protection guarantee of
 14 the Fifth Amendment, by discriminating on the basis of race, ethnicity, and national origin, and
 15 the Due Process Clause of the Fifth Amendment with respect to the TPS decision for El Salvador.
 16 The complaint also alleges that defendants violated the APA and the INA.

17 The instant case alleges Fifth Amendment equal protection and APA claims by TPS
 18 recipients from Nepal and Honduras, and Fifth Amendment due process claims on behalf of U.S.
 19 citizen-children of TPS recipients from Nepal and Honduras. Multiple plaintiffs reside in this
 20 District. This case thus is appropriately brought in this District and, for the reasons set forth in the
 21 concurrently-filed notice of related action, should be assigned to Judge Chen, who is overseeing
 22 *Ramos*, to avoid conflicts, conserve resources, and promote efficient resolution. L.R. 3-
 23 13(b)(3)(B).

1 Date: February 11, 2019

2 Respectfully submitted,

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4 /s/ Alycia A. Degen

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